

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS.**

Claims 1, and 3-11 are pending. Claims 1, 3 and 4 are independent. Claim 2 has been previously cancelled without any prejudice and disclaimer of subject matter. No claims are amended in this paper.

### **II. REJECTIONS UNDER 35 U.S.C. §112 AND §103(a)**

Claims 1 and 3-11 were rejected under 35 U.S.C. §112, first paragraph, as allegedly having no support in the Specification for “wherein the first calculating means calculates the time division multiplexing cycle irrespective of the transport rate of said plurality of bit streams”, as recited in claim 1.

Claims 1, and 3-11 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,561,466 to Kiriyama (hereinafter, merely “Kiriyama”) in view of Applicants’ Admitted Prior Art, (hereinafter, merely “AAPA”).

### **III. RESPONSE TO REJECTIONS**

Applicants respectfully submit that support for “wherein the first calculating means calculates the time division multiplexing cycle irrespective of the transport rate of said plurality of bit streams” is provided throughout the Specification, specifically at page 20,

equation (21), paragraph [0065], and Figure 3(C). Withdrawal of rejections under 35 U.S.C. §112 is requested.

Claim 1 recites, *inter alia*:

“A data multiplexer...comprising:

**a first calculating means for calculating a time division multiplexing cycle for each of said plurality of bit streams, such that a separator separates multiplexed data by a specified method on the basis of said information extracted by said extracting means,**

**wherein the first calculating means calculates the time division multiplexing cycle irrespective of the transport rate of said plurality of bit streams,**

**...wherein said multiplexing means determines an order in which said plurality of bit streams are multiplexed on the basis of the data occupancy rate of said virtual data buffer calculated by said second calculating means.**” (Emphasis added)

As understood by Applicants, Kiriya relates to data multiplexing an original video signal and an original audio signal into a cell multiplexed video and audio signal, such as a sequence of asynchronous transfer mode (ATM) cells, and to data demultiplexing the cell multiplexed video and audio signal into the original video signal and the original audio signal.

First, the Office Action (see pages 2-3 and 7) relies on Kiriya, especially column 5, lines 1-45 and columns 9-10 and columns 13-14, to disclose a first calculating means for calculating a time division multiplexing cycle for each of said plurality of bit streams, such that a separator separates multiplexed data by a specified method on the basis of said information extracted by said extracting means, as recited in claim 1. Kiriya uses a predetermined period T that has a time slots TA for audio data and a time slots TV for video data. However, nothing in Kiriya discloses or teaches how to determine T, TA, and TV for each stream. Therefore,

Applicants respectfully submit that Kiriya fails to disclose the above-identified features of claim 1.

Second, the Office Action (see page 8) concedes that Kiriya fails to teach or suggest wherein said multiplexing means determines an order in which said plurality of bit streams are multiplexed on the basis of the data occupancy rate of said virtual data buffer calculated by said second calculating means, as recited in claim 1. The Office Action (see page 9) further relies on AAPA to disclose the above-identified features of claim 1. As understood by Applicants, AAPA indeed states occupancy rate. However, AAPA fails to disclose or teach determines an order in which said plurality of bit streams are multiplexed on the basis of the data occupancy rate of said virtual data buffer calculated by said second calculating means, as recited in claim 1. Applicants respectfully submit that AAPA does not teach or suggest the above-identified features of claim 1.

The Office Action (see page 7) relies on AAPA to teach or suggest wherein the first calculating means calculates the time division multiplexing cycle irrespective to the transport rate of said plurality of bit streams, as recited in independent claim 1. Applicants respectfully submit that the Office Action (see page 2) incorrectly understood the above-identified features of claim 1. Applicants respectfully submit that equation (21), paragraph [0065], and figure 3C support the above-identified features of claim 1. Applicants claimed the time division multiplexing cycle and transport rate are disclosed at pages 20 and 21. Applicants respectfully submit that AAPA and Kiriya, taken either alone or in combination, fail to teach or suggest the above-identified features of claim 1.

Therefore, Applicants submit that independent claim 1 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, independent claims 3 and 4 are patentable.

#### **IV. DEPENDENT CLAIMS**

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

#### **CONCLUSION**


In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any  
overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

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